IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 2500 of 1996

Between:

Roman Catholic Diocese (RCM) Dayas, S/o Late premaradan Malagde
R/o. Eluru, West Godavari.

..... PETITIONER

AND

1 State of A.P., Rep. Prl. Secretary.
Secretariat Building, Hyderabad.
2 District Collector,
Eluru, West godavari.
3 Land Acquisition Officer/Revenue Divisional Officer,
Eluru, West Godavari.
4 Mandal Revenue Officer,
Denduluru, West Godavari.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in acquiring the lands of the petitioners admeasuring Ac. 0.44 cents in R.S.No. 54/1, Ac.0.06 cents in R.S.No. 54/2 and Ac.1-00 cents in R.S.No.54/3 in Somavarapupadu Village, Dendulur Mandal, West Godavari District as illegal, arbitrary and unconstitutional and further declare the notification of the 1st respondent dated 20/06/1995 so far as acquisition of the petitioner's land is concerned and the consequential proceedings No. 3700/93 (LA-Bye-pass) dated 11/12/1995 of the 3rd respondent, is illegal, arbitrary and unconstitutional and violative of the procedure prescribed under the Land Acquisition Act, 1894 and further direct the respondents not to disturb the possession and enjoyment of the petitioner over the above stated lands.

Counsel for the Petitioner: MR.Y.V.RAVI PRASAD

Counsel for the Respondents: GP FOR Land Acquisition

The Court made the following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.2500 OF 1996

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the action of the respondents in acquiring the lands of the petitioner admeasuring Ac.0.44 cents in R.S.No.54/1, Ac.0.06 cents in R.S.No.54/2 and Ac.1-00 cents in R.S.No.54/3 situated in Somavarapupadu village, Dendulur Mandal of West Godavari district, as illegal and arbitrary and to further declare the notification of the first respondent dated 20.6.1995 as illegal.

It is the case of the petitioner that the said lands were acquired in the absence of any urgency by dispensing with enquiry as contemplated under Section5 of the Land Acquisition Act,1894.

In the counter affidavit filed on behalf of the respondents it is stated that the lands of the petitioner are not acquired pursuant to the notification issued under Section 4(1) of the Land Acquisition Act. Further it is also stated that the said lands are not required at present and that a withdrawal notification under Section 48(1) of the Act will be issued within a short time.

In view of the stand taken by the respondents that the possession has not been taken and the said lands are also not required for any public purpose, I place the same on record and dispose of the writ petition.

The writ petition is disposed of with the above observation. No order as to costs.

15.12.2004.

mdaa.

Copy to:

1 The Prl. Secretary to Govt.of A.P.,.
Secretariat Building, Hyderabad.
2 District Collector,
Eluru, West godavari.
3 Land Acquisition Officer/Revenue Divisional Officer,
Eluru, West Godavari.
4 Mandal Revenue Officer,
Denduluru, West Godavari.

5. Two C.Cs to G.P. for Land Acquisition, High Court of A.P., Hyderabad.

6. Two C.D.copies.